

Examrace

Polity Study Material: Unitary Characteristics

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Non-Federal or Unitary Features

In addition to the above federal features, the Constitution contains certain non-federal or unitary features, which have led the critics of the Indian Constitution to challenge its federal character and charge that it is merely federal in form but unitary, in spirit. Some of the important unitary features of our Constitution are as under:

1. **A Strong Centre:** In the first instance, the Constitution provides for a very strong Centre, a feature of unitary government. In the division of powers, 99 items have been included in the Union List, while the State List contains only 61 items. Further, even on the subjects contained in the Concurrent List (52 items), both the Centre and the States have power to legislate, but the Central Government enjoys an overriding position. The residuary powers have also been vested in the Centre. In short, the Constitution provides for a very strong Centre.
2. **A Single Constitution for Union and States!** Unlike other Federations of the world, the States in India have not been given any right to make or unmake their own Constitution. The framers provided a single common and unified Constitution, both for the Centre and the States. Further, the States have not been given any power to initiate amendments to the Constitution, a power which exclusively vests in the Indian Parliament. This has enhanced the power and prestige of the Centre at the cost of the States.
3. **Flexibility of the Constitution:** In comparison to other federations, amendments to the constitution can be made only with the consent and approval of the units. In India on the other hand, the parliament can amend most of the provisions of the Constitution singlehandedly either by single majority or by a two third majority. Only in case of some of the provisions the approval of the legislatures of the majority of the states is also required moreover, the states do not possess any power to initiate amendment to the constitution. All this has contributed to the strengthening of the centre at the cost of the states.
4. **Single Citizenship:** Usually in other federation provision for double citizenship exist, viz. each citizen is not only the citizen of the country as such but is also a citizen of a particular State in which he resides. The Indian Constitution on the other hand. Creates a single citizenship of India which is common to all the people of various states and Union territories.

5. **Inequality of representation in the Rajya Sabha:** The Indian Constitution also deviates from the traditional principle of providing equal representation to the States in the Upper House of the federal legislature. Unlike the US Senate, which accords equal representation to all the States irrespective of their size, the Indian Constitution accords representation to the various States in the Rajya Sabha on the basis of their population. This means that the States with larger population send more representatives in comparison to the States with smaller population. This is a clear departure from the federal principle.
6. **Existence of Union Territories!** Another feature, which is a clear pointer to the unitary character of the Indian Constitution, is the existence of administrative units known as the Union Territories. These units are directly governed by the Central Government and do not enjoy any independent powers or autonomy.
7. **Special Powers of Rajya Sabha on State Subjects:** Under the Indian Constitution, the Rajya Sabha can authorize the Parliament to make laws even on the subjects mentioned in the State List. The existence of this provision in the Constitution implies that the Centre can encroach on the State List at will.
8. **Emergency Provisions:** The existence of the emergency provisions in the Constitution also poses a serious challenge to the federal character of the Indian polity. The President of Indian is authorized to proclaim a state of emergency under Articles 352, 356 and 360. During the proclamation of emergency. The Parliament gets the power to legislate for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List. The Union Government can also issue directions to the States as to the manner in which their executive authority is to be exercised. 226
9. **Appointment of Governors by the President:** The provision regarding the appointment of GovernorsofStat. Es by the President is also a clear violation of the federal principles. Under the Indian Constitution, the Governors, who are the administrative heads of the State administration, are appointed by the President and hold office during his pleasure. The States do not have any say in their appointment or removal. Naturally, the Governors act as the agents of the Centre rather than as representatives of the States. This clearly gives power to the Centre to control the administration of the States which is contrary to the principles of a true federation.
10. **Common All India Services:** Another feature, which is a pointer to the unitary character of the Indian Constitution, is the provision of common All India Services like LA. S. IIP. S. etc. The members of these Services are appointed by the President of India on the recommendations of the Union Public Service Commission and are accountable to the Union Government. The States have hardly any control over the members of these Services.
11. **Single Unified Judiciary:** Unlike other federations, India possesses a single unified judiciary with the Supreme Court at the apex. The Supreme Court not only exercises

supervision but also control over the functioning of other Courts. The writs of the Supreme Court are observed throughout the country in all spheres civil, constitutional and criminal. The judges of High Courts are also independent of the States, which do not possess any power with regard to their appointment, removal and service conditions. They are appointed by the President and can be removed by him only after they are impeached by the Parliament. Further, there are no separate sets of laws and a single civil and criminal procedure operates throughout the country. AU this is a clear pointer to the unitary character of the Constitution and is incomplete contrast to the position prevailing in the USA, where two separate sets of Courts exist one for the Centre and the other for the States.

12. **Centralised Election Machinery:** The Constitution provides for an Election Commission which is responsible for the conduct, supervision, direction and control of the elections not only to the parliament but to the State Legislatures as well. The members of the Election Commission are appointed by the President in consultation with the Prime Minister and the States do not have say in their appointment, removal, working or service condition. This is yet another unitary feature of the Indian Constitution.
13. **Comptroller and Auditor General:** The creation of the office of the Comptroller and Auditor-General of India who is responsible for the audit of the accounts of the centre as well as the states, is also a violation of the federal principle. The Comptroller and Auditor General of India is appointed by the President and the States have no say in his appointment or removal.
14. **Inter-State Councils and Boards:** The Constitution makes provision for the appointment of Inter-State Councils and Boards the settlement of disputes and differences between the centre and the State, and among the States. The members of these Inter-State Councils and Boards are appointed by the president and make necessary recommendations to the president regarding the settlement of disputes. It is noteworthy that in the appointment of the councils and boards the states have no say. This is a clear encroachment on the autonomy of the units of the Indian federation.
15. **Constitution does not Protect Territorial Integrity of States:** Unlike other federations, where the territorial integrity of the states is protected by the Constitution. The Constitution of India does not contain any provision to this effect. On the other hand, it specifically denies this right to the states ' For example, Article 3 of the Constitution authorizes the President to change the name, territory or boundary of any State without ascertaining their wishes. The parliament can also bifurcate an existing State or combine two or more States into one State. In other words, the very existence of the States depends on the sweet will of the Central Government. **Conclusion:** It is evident from the above discussion that though the Indian Constitution outwardly possesses a federal structure, in spirit, it is unitary. The framers of the Constitution deliberately made the Centre strong in keeping with the inescapable realities of the situation.

